

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

BAD RIVER BAND OF THE LAKE SUPERIOR
TRIBE OF CHIPPEWA INDIANS OF THE BAD
RIVER RESERVATION

Plaintiff,

v.

ENBRIDGE ENERGY COMPANY, INC., and
ENBRIDGE ENERGY, LP

Defendants.

ENBRIDGE ENERGY, LP

Counter-Plaintiff,

v.

BAD RIVER BAND OF THE LAKE SUPERIOR
TRIBE OF CHIPPEWA INDIANS OF THE BAD
RIVER RESERVATION and NAOMI TILLISON,
in her official capacity

Counter-Defendants.

Case No. 3:19-cv-00602

Judge William M. Conley
Magistrate Judge Stephen Crocker

**DECLARATION OF SUNCOR ENERGY INC. IN SUPPORT OF ENBRIDGE'S OPPOSITION
TO MOTION FOR INJUNCTION**

I, Mark Townley, have personal knowledge of the following and make this declaration in support of Enbridge Energy, Limited Partnership's ("Enbridge") opposition to Plaintiffs motion for injunction:

1. My business address is 150 – 6th Avenue S.W., Calgary, Alberta T2P 3E3, Canada. My current position is Senior Vice President – Supply, Trading & Optimization of Suncor Energy Inc. ("Suncor").

2. Suncor is an integrated oil and gas company, with crude oil production facilities in the Western Canadian Sedimentary Basin (WCSB) and on Canada's East Coast as well as refining assets in Canada and in the United States.

3. Suncor regularly transports crude oil through Line 5 for processing at our refineries in Sarnia, Ontario, and Montreal, Quebec.

4. Suncor's Eastern Refineries are critical to the supply of refined products in the region as well as being significant employers in their respective communities. There are approximately 500 direct employees at the Sarnia refinery and approximately 600 direct employees at the Montreal refinery, and many more indirect positions associated with operating these assets.

5. If Line 5 were shut down for any period of time, the consequences to Suncor, our customers, and other affected parties would be:

a. Reduced crude oil supply to refineries in Michigan, Ohio, Pennsylvania, Ontario, and Quebec, including the Suncor refineries noted above. The reduction would be about half the traditional supply from the Enbridge Mainline for both light and heavy crude oil.

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Some refineries can switch to a different crude oil supply source at a higher cost but other refineries will be forced to cut crude runs.

b. Refined product supply in the region will be significantly impacted and the supply that will be available will be at a higher cost due to higher cost crude oil supply and inefficient refinery operations at reduced throughputs. Refined product imports may be

able to offset the reduced local refining supply but again at a higher cost. There will be significant upward pressure on refined product prices for the region including Michigan.

- c. The impacts on refined product supply will also back into Western Canada as the immediate shutdown of Line 5 will result in the shutdown of Enbridge's Line 1 due to limits on Natural Gas Liquids (NGL) storage at Enbridge's Superior Terminal. Line 1 moves refined products produced in Alberta to Saskatchewan and Manitoba. Trucking of refined product may partially mitigate the impact but at a higher cost.
 - d. A prolonged Line 5 shut down will also impact the production of crude oil in WCSB as Line 5 currently accounts for nearly 500 kbpd of market access capacity for the Basin. This will increase the utilization of alternative logistics such as rail which are higher in cost.
6. The above highlights the high degree of integration of North America's crude oil and refined product supply chains and the ripple effects that a continued shut down of Line 5 will have throughout the region.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed on this 12th day of May, 2023.

DocuSigned by:


Mark Townley
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Mark Townley

SVP – Supply, Trading & Optimization